

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X	
ROBERT L. GARBER, on behalf of	:
himself and all others similarly situated,	:
	:
Plaintiff,	:
	:
vs.	:
	:
WASHINGTON MUTUAL, INC., <i>et al.</i> ,	:
	:
Defendants.	:
-----X	
JOEL ABRAMS, <i>et al.</i> , on behalf of	:
themselves and all others similarly situated,	:
	:
Plaintiffs,	:
	:
vs.	:
	:
WASHINGTON MUTUAL, INC., <i>et al.</i> ,	:
	:
Defendants.	:
-----X	
	:
	:
DENNIS KOESTERER, on behalf of	:
himself and all others similarly situated,	:
	:
Plaintiff,	:
	:
vs.	:
	:
WASHINGTON MUTUAL, INC., <i>et al.</i> ,	:
	:
Defendants.	:
-----X	

**Civil Action No. 1: 07-cv-11422-UA**

**Civil Action No. 1:07-cv-09806-AKH**

**Civil Action No. 1:07-cv-09801-CM**

**NOTICE OF WITHDRAWAL OF MOTION FOR  
CONSOLIDATION, APPOINTMENT OF LEAD  
PLAINTIFF, AND APPROVAL OF LEAD COUNSEL**

PLEASE TAKE NOTICE that the NYC Police and Fire Pension Funds, through their

respective trustees, hereby withdraw their motion to consolidate the above-captioned actions; for their appointment as Lead Plaintiff; and for approval of their attorneys as Lead Counsel as it appears that the Ontario Teachers Pension Plan Board has the largest financial interest in the relief sought by the class, 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(bb), and otherwise satisfies the criteria for appointment as Lead Plaintiff.

Dated: January 22, 2008

LOWEY DANNENBERG COHEN, P.C.

By: /s/ Peter D. St. Phillip, Jr.  
Richard W. Cohen (RC-5220)  
David C. Harrison (DH-3834)  
Peter D. St. Phillip, Jr. (PS-0726)  
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